

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated April 4, 2006 has been received and its contents carefully reviewed.

Claims 18-35 are withdrawn in this application. Claims 12-17 are rejected by the Examiner. Claims 12, 14, and 16 have been amended. Claims 12-35 remain pending in this application.

In the Office Action, claims 12-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 9-270936 to Shimizu (hereinafter “Shimizu”).

The rejection of claims 12-17 is respectfully traversed and reconsideration is requested. Claims 12 and 13 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “determining only whether the first period is less than a first reference period.” Claims 14 and 15 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “determining only whether the first period is greater than a first reference period.” Claims 16 and 17 are allowable over the cited references in that each of these claims recites a combination of elements including, for example, “determining only whether the first period is less than a first reference period and greater than a second reference period.” Shimizu does not teach or suggest at least this feature of the claimed invention.

In responding to the Applicant’s previous arguments the Examiner states:

The claim recites determining if less than a reference period. SHIMIZU discloses determining if equal or unequal to a reference period. By definition, unequal is being less than or greater than a reference value, which is inclusive of Applicant’s “less than” limitation. There is no limitation reciting only a determination of less than being made, the applied reference of SHIMIZU thereby encompassing all steps of the Applicant’s method.

The claims 12, 14, and 16 have been amended so that “only a determination of less [or greater] than” is being made. Accordingly, Applicant respectfully submits that claims 12-17 are allowable over Shimizu.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. *A duplicate copy of this sheet is enclosed.*

Respectfully submitted,

By   
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